

REMARKS

Claims 1-43 are pending in this application. Claims 3, 17, 23, 25, 28, 30, 33, and 35 are cancelled herein as being directed to non-elected subject matter withdrawn from prosecution. Claims 26-27 and 29 are cancelled without prejudice. Claims 1, 12, 21-22, 24, 31-32, 34, and 37-38 are amended to delete non-elected subject matter and or to more precisely define the invention. Accordingly, claims 1-2, 4-16, 18-22, 24, 31-32, 34, and 36-43 are now before the Examiner for examination.

Initially, Applicants wish to bring to the Examiner's attention commonly owned U.S. Patent applications:

6,713,485; and

6,727,256;

which are derived from WO 99/35146 already of record in this prosecution.

Obviousness-Type Double Patenting Rejection Over U.S. Patent 6,391,874

Claims 1-2, 4-12, 15-22, 24, 26-27, 29, 36, and 39-43 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 3-4, 8, 10, 28, and 30-32 of prior U. S. Patent No. 6,391,874 (Cockerill et al). Applicants have amended the present claims so that R⁵ is defined as being a substituted alkyl group, specifically R⁵ is defined as being C₁₋₆ alkyl substituted with one or more R₆ groups. The Cockerill et al does not claim a quinazoline compound wherein R⁵ (R¹³ in Cockerill et al) is a substituted alkyl group. Consequently, Applicants believe the rejection is overcome and respectfully request it be withdrawn.

Obviousness Rejection Over WO 98/02434 (U.S. 6,391,874)

Claims 1-2, 4-12, 15-22, 24, 26-27, 29, 36, and 39-43 are rejected as being unpatentable over WO 98/02434 or U.S. 6,391,874 derived therefrom (Cockerill et al). As recited in the response to the instant double patenting rejection, Applicants have amended the present claims so that R⁵ is defined as being a substituted alkyl group, specifically R⁵ is defined as being C₁₋₆ alkyl substituted with one or more R₆ groups. The cited '874 patent does not disclose or suggest a quinazoline compound wherein R⁵ (R¹³ in Cockerill, et al) is a substituted alkyl group. Consequently, Applicants now believe the rejection is overcome and respectfully request it be withdrawn.

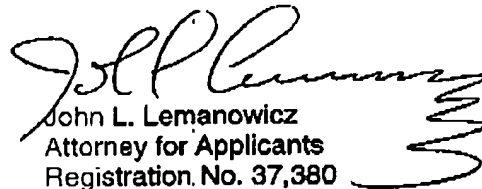
Section 112: Written Description and Enablement Rejection :

Claims 1 and 36-43 are rejected as lacking written description and as being not enabled for the term "physiologically functional derivative". Applicants have amended the present claims to delete the term "physiologically functional derivative". Consequently, Applicants now believe the Section 112 rejections are moot and respectfully request they be withdrawn.

CONCLUSION

The points and concerns of the Examiner having been addressed in full, Applicants respectfully submit that the instant application is in condition for allowance, which action is respectfully requested. Should any issues remain unresolved in this application which would bar issuance the Examiner is invited to contact the undersigned Attorney at (919) 483-8247, to discuss such issues. Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to effect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,


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